

REMARKS

By this Amendment, claims 1, 3, 6, and 11 are amended. New claim 16 is added. Claims 1-16 are pending for examination.

Rejections Under 35 U.S.C. § 112

In the Office Action of August 29, 2003, claims 6-15 were rejected as being indefinite. Specifically, claim 6 was said to contain a term “drum insert” which lacked antecedent basis. In response, the claim has been amended so as not to contain the term “drum insert.” Further, claim 11 was said to positively recite the structure of the chime extending above the closure when the closure is secured on the drum insert and the drum insert is received on the first fitting, but to non-positively recite the drum insert and closure. In response, claim 11 has been amended to recite the chime structure height relative to the first fitting instead of relative to the insert and closure. As a result, Applicant respectfully requests that these rejections be withdrawn.

Rejections Under 35 U.S.C. § 103

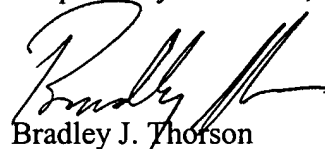
Claims 1-3, 6, 7 and 10 were rejected as obvious over McKenzie ‘570 in view of Przytulla ‘049. Claims 4, 5, 8, 9 and 11-15 were rejected as obvious over McKenzie ‘570 in view of Przytulla ‘049, and in further view of the admitted prior art. In response, Applicant has amended claims 1, 6 and 11 to clarify that the present invention includes a plastic drum with an integrally molded structure wherein the unique tall protective chime of the invention is integrally molded in one piece with at least the top wall and cylindrical sides of the drum by a process comprising a single blow molding operation. Applicant submits that McKenzie ‘570 does not teach or suggest an integral protective chime, but merely discloses a separate sleeve that is separately molded and mechanically attached to the top of the drum to receive another drum for stacking. The bottom of the upper drum fits within the sleeve and rests on the upper wall of the

container below. See McKenzie '570 at column 3, line 58 through column 4, line 15. A recess is provided in the bottom of the upper container to receive the closure member of the lower container. See Id. at column 4, line 16 through 27. This is in marked contrast to the present invention where the tall protective chime provides protection for a closure or other component on the drum.

Pryztulla '049 does not teach a protective chime or, in fact, any protection for closures or other components at all. One of skill in the art in seeking to solve the problem of protecting closures or other components attached to a drum when the drums are stacked would not have consulted or received any teaching or suggestion from McKenzie '570 or Pryztulla '049 either alone or together that a tall chime may be used to protect components on the drum, or that such a tall chime may be integrally molded in a drum in a single blow molding operation as in the claimed invention. As a result, Applicant respectfully requests that the Examiner withdraw the rejections of independent claims 1, 6 and 11 and all claims dependent therefrom.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Bradley J. Thorson', with a stylized flourish at the end.

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